

HOUSE BILL 4092
By Maggart

AN ACT to amend Chapter 481 of the Private Acts of 1949; as amended by Chapter 857 of the Private Acts of 1949; Chapter 306 of the Private Acts of 1974; Chapter 236 of the Private Acts of 1982; Chapter 93 of the Private Acts of 1989 and Chapter 111 of the Private Acts of 2002; and any other acts amendatory thereto, relative to the general sessions court of Sumner County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 481 of the Private Acts of 1949; as amended by Chapter 857 of the Private Acts of 1949; Chapter 306 of the Private Acts of 1974; Chapter 236 of the Private Acts of 1982; Chapter 93 of the Private Acts of 1989 and Chapter 111 of the Private Acts of 2002; and any other acts amendatory thereto, is further amended by adding the following new sections:

SECTION __. Effective September 1, 2006, there is hereby created and established an additional Court of General Sessions in and for Sumner County, Tennessee, which shall be designated as "Division III, Court of General Sessions of Sumner County, Tennessee".

SECTION __. The Judge for Division III, Court of General Sessions of Sumner County, Tennessee shall possess all the qualifications and shall be paid the same compensation as prescribed by general law for general sessions judges in the same class and shall take the oath prescribed for such judges.

The first Judge of Division III shall be appointed by the Sumner County Board of Commissioners and shall serve until August 31, 2008 or until such judge's successor is elected and qualified. At the regular August election in 2008, the qualified voters of Sumner County shall elect a person to serve as judge of Division III for the remainder of the unexpired term. Such judge shall serve until August 31, 2014 or until the judge's successor is elected and

qualified. At the regular August election in 2014, and every eight (8) years thereafter, the qualified voters of Sumner County shall elect a person to serve as judge of Division III for a full eight (8) year term.

SECTION __. The judge of Division III of the Court of General Sessions of Sumner County shall have the same jurisdiction as the judges of Division I and Division II of such Court, which shall consist of all civil and criminal jurisdiction prescribed by general law for judges of general sessions courts and as set forth in Chapter 481 of the Private Acts of 1949 and Chapter 236 of the Private Acts of 1982. The judges of all three (3) Divisions of the Court of General Sessions of Sumner County are hereby vested with the authority to sit for each other and other judges by interchange when such is necessary for the efficient operation of the Court of General Sessions of Sumner County.

SECTION __. In case of a vacancy for any cause in the office of the Judge of Division III, Court of General Sessions of Sumner County, the same shall be filled by appointment of the Sumner County Board of Commissioners of some person qualified to fill such vacancy; and such person so appointed by the County Commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION __. The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created; and, to the extent necessary, the Judges of the various Divisions, the Clerks and such other personnel, as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Sumner County initially, upon creation of Division III of this Court, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Gallatin, Tennessee, the necessary furnishings and supplies and equipment for the proper operation and maintenance of said Court and pay for same out of the County general funds. The regular place for holding said Court shall be in the courtroom provided in Gallatin, Tennessee.

SECTION 2. Chapter 236 of the Private Acts of 1982 is amended by deleting Section 16 in its entirety and the following substituted in lieu thereof:

Each July 1, the judges of the various divisions of the General Sessions Court of Sumner County shall select from among themselves a presiding judge. The presiding judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the General Sessions Courts of Sumner County, and shall be in charge of the general administration of the General Sessions Courts of Sumner County. The presiding judge of the Courts of General Sessions of Sumner County shall from time to time be authorized and empowered to adopt rules of practice and procedure for the Court, provided, that they are not inconsistent with the substantive and procedural laws and rules of the State of Tennessee relative to the matters of the jurisdiction of the Court created hereby or that they shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Courts of General Sessions of Sumner County shall be empowered from time to time to interchange one for the other to hold such respective courts.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Sumner County and certified by said officer to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.